

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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EMILIO FUSCO,

Petitioner,

v.

No. 9:05-CV-1425  
(FJS/DEP)

T. R. CRAIG, Warden, FCI Raybrook,

Respondent.

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APPEARANCES:

OF COUNSEL:

FOR PETITIONER:

[**last known address**]

EMILIO FUSCO, pro se

02689-748

FCI Ray Brook

PO Box 9006

Ray Brook, New York 12977

FOR RESPONDENT:

HON. GLENN T. SUDDABY  
United States Attorney  
Northern District of New York  
Federal Building  
100 S. Clinton Street  
Syracuse, NY 13261-7198

CHARLES E. ROBERTS, ESQ.  
Assistant U.S. Attorney

**FREDERICK J. SCULLIN, JR., S.J.:**

**ORDER**

Presently before the Court is Magistrate Judge David E. Peebles' November 29, 2006 Report-Recommendation in which he recommends that the action be dismissed pursuant to Rule 41 (b)


of the Federal Rules of Civil Procedure, based upon petitioner's failure to prosecute and to comply with this Court's orders and Local Rules of Practice. Magistrate Judge Peebles' Report-Recommendation was mailed to Petitioner's last known address, but was returned to the Clerk's office marked, "released." Failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of the action. Therefore, in light of Petitioner's failure to notify the Court of his change of address, it is hereby

**ORDERED**, that the Report-Recommendation of Magistrate Judge David E. Peebles filed November 29, 2006 is **ACCEPTED** in its entirety for the reasons stated therein, and it is further

**ORDERED**, that this action is **DISMISSED** in its entirety.

**IT SO ORDERED.**

DATED: December 20, 2006  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge